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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/558,949

09/06/2006

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52044 7590 03/04/2009
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EXAMINER

TEKLE, DANIEL T

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

03/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/558,949 | Applicant(s) IKEDA ET AL. | |
| | Examiner DANIEL TEKLE | Art Unit 2621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Russ et al. (US 2004/0060063).

Regarding Claim 1: Russ et al. discloses a playback apparatus for playing back a digital stream generated by multiplexing a graphics stream and a video stream, comprising: a decoding unit operable to decode the graphics stream, and overlay a page including a plurality of graphics button members on a moving picture obtained by decoding the video stream (**paragraph 0082 and fig. 4**); an execution unit operable to, when a selection of one of the plurality of button members is confirmed, execute a command corresponding to the button member, to thereby perform a first control of switching the page to another page and a second control of specifying a button member to be focused in the other page (**paragraph 0096**); a status register operable to hold a button number of the specified button member (**paragraph 0096**); a judgment unit operable to judge whether the button number in the status register is invalid (**paragraph 0096**); and a setting unit operable to, if the button number in the status register is

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judged as being invalid, set the status register to an alternative button number
(paragraph 0098).

Regarding Claim 2: Russ et al. discloses a playback apparatus of claim 1, wherein: the graphics stream includes interactive control information that contains a plurality of sets of page information corresponding one-to-one to a plurality of pages, the plurality of sets of page information each showing button numbers of all button members included in a corresponding page **(Fig. 13)**, and the judgment unit checks whether the button number in the status register is not shown in a set of page information corresponding to the other page, and judges the button number as being invalid if the button number is not shown in the set of page information **(paragraph 0098).**

Regarding Claim 3: Russ et al. discloses a playback apparatus of claim 2, wherein: the plurality of sets of page information each include default select information indicating whether, upon switching to the corresponding page, a button member to be focused as default is to be determined statically or dynamically **(paragraph 0089)**; the playback apparatus further comprises an overwrite unit operable to, if default select information in the set of page information corresponding to the other page indicates the static determination, overwrite the status register with a value based on the default selection information in the set of page information **(paragraph 0076)**; and the button number in the status register is maintained if the default select information in the set of page information indicates the dynamic determination **(paragraph 0076).**

Regarding Claim 4: Russ et al. discloses a playback apparatus of claim 2, wherein: the interactive control information further contains first time information (**paragraph 0093**); when playback of the video stream has reached a time shown by the first time information, the decoding unit overlays a page corresponding to a beginning one of the plurality of sets of page information in the interactive control information, on the moving picture (**paragraph 0093**); and the judgment unit also performs the judgment when the playback of the video stream has reached the time shown by the first time information (**paragraph 0093**).

Regarding Claim 5: Russ et al. discloses a playback apparatus of claim 4, wherein: the interactive control information further contains second time information (**paragraph 0094**); and the setting unit sets the status register to be invalid, when the playback of the video stream has reached a time shown by the second time information (**paragraph 0094**).

Regarding Claim 6: Russ et al. discloses a playback apparatus of claim 4, further comprising an initialization unit operable to, when a recording medium is loaded to the playback apparatus, initialize the status register to an invalid value, wherein: the judgment unit judges that the value in the status register is invalid, when the playback of the video stream has reached the time shown by the first time information (**paragraph 0072**); and the setting unit also performs the setting when the playback of the video stream has reached the time shown by the first time information (**paragraph 0052**).

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Regarding Claim 6: Claim 7-8 are reject for the same subject matter as claims 1 discussed above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/
Examiner, Art Unit 2621

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